

REMARKS

Claim 1 has been amended to specify that the electrical circuitry layer is sandwiched directly between the battery layer and the photovoltaic layer. Support for the amendment to claim 1 can be found throughout Applicant's originally filed disclosure, including for example at page 6, lines 3-5 of the Specification, and Figure 3. Claims 5-11, 14, 15 and 38 have been amended to address the various 35 U.S.C. § 112 rejections. Support for the amendments can be found throughout Applicant's originally filed disclosure. No new matter has been added.

The art rejections are respectfully traversed. Claims 1, 5-11, 14-33 and 36-38 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Murasko '245 in view of Curtin, Yamamura and Kakite. Applicant respectfully asserts that the rejection cannot be maintained, at least in view of the present amendments. Applicant's amended independent claim 1 requires, in part, "the electrical circuitry layer is sandwiched directly between the battery layer and the photovoltaic layer and electrically connects the battery layer and the photovoltaic layer." At a minimum, it is respectfully submitted that the cited references, alone or in any combination, fail to provide any teaching or suggestion of at least this requirement of Applicant's independent claim 1.

The Examiner admits that Murasko '245 does not teach, among other things, "an electrical circuitry layer between the thin film battery layer and the thin film photovoltaic layer." Official Action at page 8. However, the Examiner erroneously cites Yamamura as so teaching.

Yamamura teaches the opposite of "an electrical circuitry layer" that is "sandwiched directly between" his components. That is, rather than teaching an electrical circuitry layer directly between a battery layer and a photovoltaic layer, electrically connecting these layers,

HAYES SOLOWAY P.C.
3450 E. SUNRISE DRIVE,
SUITE 140
TUCSON, AZ 85718
TEL. 520.882.7623
FAX. 520.882.7643

175 CANAL STREET
MANCHESTER, NH 03101
TEL. 603.668.1400
FAX. 603.668.8567

Yamamura teaches an insulating layer (18) disposed between the solar battery (17) and the capacitor (22). The insulating layer does not, and by definition cannot, electrically connect stacked layers. The Examiner cites “a metal strip that traverses this intermediate insulating layer 18 to electrically connect metal electrode 19 . . . and the transparent electrode 12,” as allegedly reading on Applicant’s claimed “electrical circuitry layer.” Official Action at page 9. Applicant respectfully asserts that Yamamura contains no such teaching of a “metal strip” that traverses the insulating layer. Yamamura makes no mention of a “metal strip” and no such “metal strip” can be found in the cited Figure 1. Rather, Yamamura clearly depicts that the insulating layer (18) is disposed on top of, and completely insulates, the backplane electrodes (16). The metal electrode (19) is disposed entirely on top of the insulating layer (18). Thus, it is respectfully submitted that Yamamura in no way can be said to provide any teaching or suggestion of an “electrical circuitry layer [that] is sandwiched directly between the battery layer and the photovoltaic layer and electrically connects the battery layer and the photovoltaic layer,” as required by Applicant’s independent claim 1. Instead, Yamamura teaches an insulating layer (18) that is disposed directly between the solar batter (17) and the capacitor (22).

None of the other cited references, in any combination, teach or suggest this requirement of Applicant’s independent claim 1, that “the electrical circuitry layer is sandwiched directly between the battery layer and the photovoltaic layer and electrically connects the battery layer and the photovoltaic layer.” As noted above, the Examiner admits that Murasko ‘245 fails to provide the missing teaching. Moreover, Kakite fails to teach or suggest an electrical circuitry layer that connects the battery layer and the photovoltaic layer, as claimed, but instead teaches external connections from both the light-emitting part (7) and the

HAYES SOLOWAY P.C.
3450 E. SUNRISE DRIVE,
SUITE 140
TUCSON, AZ 85718
TEL. 520.882.7623
FAX. 520.882.7643

175 CANAL STREET
MANCHESTER, NH 03101
TEL. 603.668.1400
FAX. 603.668.8567

solar cell (11) to an external battery (14) “so that the power generated by the solar cell 11 can be stored in the battery 14,” and for “supplying an energy required for the light emission.” Likewise, it is respectfully submitted Curtain also fails to provide any teaching or suggestion of an electrical circuitry layer that connects the battery layer and the photovoltaic layer, as claimed.

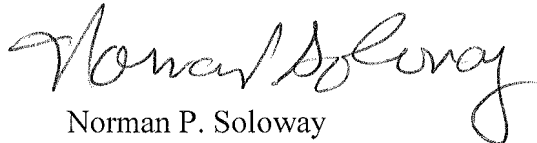
As previously noted in Applicant’s “Amendment J with RCE,” this distinction is more than merely academic, since it permits Applicant to mass produce his fully contained device using simple stamping and rolling techniques as discussed on pages 4 and 5 of Applicant’s specification.

For at least the foregoing reasons it is respectfully submitted that no combination of the cited references reasonably can be said to render obvious Applicant’s independent claim 1. Claims 5-11, 14-33 and 36-38, each depend, whether directly or indirectly, from independent claim 1, and therefore are allowable over the cited combination for at least those same reasons adduced above relative to claim 1, as well as for their own additional limitations.

Having dealt with all the objections raised by the Examiner, the Application is believed to be in order for allowance. Early and favorable action is respectfully requested.

In the event there are any fee deficiencies or additional fees are payable, please charge them (or credit any overpayment) to our Deposit Account Number 08-1391.

Respectfully submitted,



Norman P. Soloway
Attorney for Applicant
Reg. No. 24,315

HAYES SOLOWAY P.C.
3450 E. SUNRISE DRIVE,
SUITE 140
TUCSON, AZ 85718
TEL. 520.882.7623
FAX. 520.882.7643

175 CANAL STREET
MANCHESTER, NH 03101
TEL. 603.668.1400
FAX. 603.668.8567

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By: Patricia Amato

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HAYES SOLOWAY P.C.
3450 E. SUNRISE DRIVE,
SUITE 140
TUCSON, AZ 85718
TEL. 520.882.7623
FAX. 520.882.7643

175 CANAL STREET
MANCHESTER, NH 03101
TEL. 603.668.1400
FAX. 603.668.8567